

WOOD, HERRON & EVANS, L.L.P.

BRUCE TITTEL
DONALD F. FREI
DAVID J. JOSEPHIC
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPF
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, PH.D.

OF COUNSEL
JOHN D. POFFENBERGER
THOMAS W. FLYNN

2700 CAREW TOWER

441 VINE STREET

CINCINNATI, OHIO 45202-2917

TELEPHONE: 513-241-2324

FACSIMILE: 513-241-6234

EMAIL: info@whepatent.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

October 22, 2004

RECEIVED
CENTRAL FAX CENTER

OCT 22 2004

JOSEPH R. JORDAN
C. RICHARD EBY
DAVID E. FRITCHARD
J. DWIGHT POFFENBERGER, JR.
KATHRYN E. SMITH
KRISTI L. DAVIDSON
P. ANDREW BLATT, PH.D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, PH.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
STEVEN W. BENINTENDI, PH.D.
RANDALL S. JACKSON, JR.
TECHNICAL ADVISORS
HENRY M. LABODA, PH.D.

FACSIMILE COVER SHEET

To: Technology Center 3700
Examiner Hwei-Siu Payer

From: Kristi L. Davidson 

Fax: (703) 872-9306
Central Fax Number

Re: Our File: BERL-18A
Serial No. 09/160,991

Pages: 29

MESSAGE/COMMENTS

Attached herewith is the formal Response to Office Action submitted for the
above-identified application.

PLEASE DELIVER IMMEDIATELY TO
EXAMINER HWEI-SIU PAYER

Enclosures: Facsimile Cover Sheet (1 pg.)
Amendment Transmittal (2 pgs.)
Response to Office Action (15 pgs.)
Declaration of Non-obviousness of Dr. C. Rey Hsu (3 pgs.)
Declaration of Non-obviousness of Robert E. Moore (3 pgs.)
Declaration of Non-obviousness of Dave Radlick (4 pgs.)
End Page (1 pg.)

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cherng et al.
 Serial No.: 09/160,991
 Filed: September 25, 1998
 For: CUTTING DIE AND METHOD OF FORMING
 Examiner: Hwei-Siu Payer
 Group No.: 3724
 Attorney Docket: BERL-18A
 Confirmation No.: 6990

RECEIVED
 CENTRAL FAX CENTER
 OCT 22 2004

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

- Transmitted herewith is an amendment for this application.
- ☐ Small Entity status is claimed.
☒ Other Than a Small Entity.
- The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY		LARGE ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Additional Fee	Rate	Additional Fee
TOTAL *	32	MINUS **	28	4	x 9		x 18	\$ 72.00
INDEP. *	8	MINUS ***	8	0	x 44		x 88	\$ 0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+150		+300	
					TOTAL FEE		TOTAL FEE	\$ 72.00

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest No. Previously Paid for" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

☐ No additional fee for claims is required.

- ☐ Attached is a check in the sum of \$_____.

☒ Please charge Deposit Account No. 23-3000 in the amount of \$72.00.

5. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

Complete (a) or (b) as applicable.

(a) _____ Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
_____ one month	\$ 110.00	\$ 55.00
_____ two months	\$ 430.00	\$ 215.00
_____ three months	\$ 980.00	\$ 490.00
_____ four months	\$ 1,530.00	\$ 765.00
_____ five months	\$ 2,080.00	\$ 1,040.00

_____ Attached is a check in the amount of \$ _____ for the _____ month extension fee as required by 37 C.F.R. § 1.17(c).

_____ Please charge Deposit Account No. 23-3000 in the amount of \$ _____.

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

_____ An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$ _____.

OR

(b) X Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for extension of time.


X If any additional fee for claims or extension of time is required, charge Acct. No. 23-3000.

2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
(513) 241-2324 - voice
(513) 241-6234 - fax


Kristi L. Davidson, Reg. No. 44,643

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence for Application No. 09/160,991 is being facsimile transmitted to Technology Center 3700, via Central Fax Number (703) 872-9306, on October 22, 2004.


Kristi L. Davidson, Reg. No. 44,643

K:\BERLIN\RA\amend trans 072304 OA.wpd

10/22/04
Date

End of Facsimile Transmission

for Serial No. 09/160,991

THANK YOU

Wood, Herron & Evans, LLP
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
513-241-2324 (voice)
513-241-6234 (fax)

October 22, 2004